

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

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**In the Claims:**

This listing of claims replaces all prior versions and listing of claims in the application.

1. (Currently Amended) A communications system comprising:

at least one destination server for hosting a plurality of electronic mail (email) message boxes;

a plurality of communications devices for generating email messages each associated with a respective message box; and

a delivery server comprising a plurality of queues and a controller for

storing the email messages generated by ~~said~~ the communications devices in a first queue, and attempting to send the stored email messages to ~~said the~~ at least one destination server at a first sending attempt rate,

moving email messages stored in ~~said the~~ the first queue to a second queue based upon receipt of a delivery failure message,

attempting to send email messages stored in ~~said the~~ the second queue to ~~said the~~ at least one destination server at a second sending attempt rate that is less than the first sending attempt rate,

the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent from the first and second

sending attempt rates,

moving email messages from a higher queue to a next lower queue after being stored in ~~said~~ the higher queue for a duration of its storage interval, and

moving email messages having a common characteristic with a successfully delivered email message to ~~said~~ the first queue.

2. (Original) The communications system of Claim 1 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

3. (Currently Amended) The communications system of Claim 1 wherein ~~said~~ the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to ~~said~~ the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

4. (Currently Amended) The communications system of Claim 1 wherein ~~said~~ the controller stores directly in ~~said~~ the second queue email messages generated by ~~said~~ the communications devices sharing the common characteristic with an email message already stored in ~~said~~ the second queue.

5. (Cancelled).

6. (Currently Amended) The communications system of Claim 1 wherein ~~said~~ the controller attempts to send messages from each of ~~said~~ the queues in the hierarchy at successively decreasing sending rates from ~~said~~ the highest queue to ~~said~~ the lowest queue.

7. (Currently Amended) The communications system of Claim 1 wherein ~~said~~ the controller discards messages from ~~said~~ the lowest queue in the hierarchy after being stored therein for the storage interval thereof.

8. (Currently Amended) The communications system of Claim 1 wherein at least one of ~~said~~ the plurality of communications devices comprises a wireless communications device.

9. (Currently Amended) The communications system of Claim 1 further comprising a wide area network (WAN) connecting ~~said~~ the at least one destination server and ~~said~~ the delivery server.

10. (Currently Amended) A delivery server for delivering electronic mail (email) messages from a plurality of communications devices to at least one destination server hosting a plurality of email message boxes, each email message being associated with a respective message box, ~~said~~ the delivery server comprising:

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a plurality of queues arranged in a hierarchy, each queue in ~~said~~ the plurality of queues having a storage interval associated that successively increases from a highest queue to a lowest queue; and

a controller for

storing the email messages generated by the communications devices in a first queue, and attempting to send the stored email messages to the at least one destination server at a first sending attempt rate, the first sending attempt rate being independent from the respective storage interval,

moving email messages stored in ~~said~~ the first queue to a second queue based upon receipt of a delivery failure message,

attempting to send email messages stored in ~~said~~ the second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate, the second attempt rate being independent from the respective storage interval,

the second queue being one of the plurality of queues,

moving email messages from a higher queue to a next lower queue after being stored in ~~said~~ the higher queue for a duration of its storage interval, and

moving email messages having a common characteristic with a successfully delivered email message to ~~said~~ the first queue.

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11. (Original) The delivery server of Claim 10 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

12. (Original) The delivery server of Claim 10 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

13. (Currently Amended) The delivery server of Claim 10 wherein ~~said~~ the controller stores directly in ~~said~~ the second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in ~~said~~ the second queue.

14. (Cancelled).

15. (Currently Amended) The delivery server of Claim 10 wherein ~~said~~ the controller attempts to send messages from each of ~~said~~ the queues in the hierarchy at successively decreasing sending rates from ~~said~~ the highest queue to ~~said~~ the lowest queue.

16. (Currently Amended) The delivery server of Claim 10 wherein ~~said~~ the controller discards messages from ~~said~~ the

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lowest queue in the hierarchy after being stored therein for the storage interval thereof.

17. (Previously Presented) An electronic mail (email) communications method comprising:

hosting a plurality of email message boxes on at least one destination server;

generating email messages each associated with a respective message box;

storing the email messages generated by the communications devices in a first queue;

attempting to send the stored email messages to the at least one destination server at a first sending attempt rate;

moving email messages stored in the first queue to a second queue based upon receipt of a delivery failure message;

attempting to send email messages stored in the second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate;

the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent of the first and second sending attempt rates;

moving email messages from a higher queue to a next lower queue after being stored in the higher queue for a duration of its storage interval; and

moving email messages having a common characteristic with a successfully delivered email message to the first queue.

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18. (Original) The method of Claim 17 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

19. (Original) The method of Claim 17 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

20. (Original) The method of Claim 17 wherein storing further comprises storing directly in the second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in the second queue.

21. (Cancelled).

22. (Previously Presented) The method of Claim 17 wherein attempting to send messages stored in the second queue comprises attempting to send messages from each of the queues in the hierarchy at successively decreasing sending rates from the highest queue to the lowest queue.

23. (Previously Presented) The method of Claim 17

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further comprising discarding messages from the lowest queue in the hierarchy after being stored therein for the storage interval thereof.

24. (Previously Presented) A non-transitory computer-readable medium having computer-executable instructions for performing steps comprising:

- storing email messages generated by a plurality of communications devices in a first queue, each email message having a respective message box associated therewith from among a plurality of message boxes hosted by at least one destination server;

- attempting to send the stored email messages to the at least one destination server at a first sending attempt rate;

- moving email messages stored in the first queue to a second queue based upon receipt of a delivery failure message;

- attempting to send email messages stored in the second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate;

- the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent of the first and second sending attempt rates;

- moving email messages from a higher queue to a next lower queue after being stored in the higher queue for a duration of its storage interval; and

- moving email messages having a common characteristic



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with a successfully delivered email message to the first queue.

25. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

26. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

27. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein storing further comprises storing directly in the second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in the second queue.

28. (Cancelled).

29. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein attempting to send messages stored in the second queue comprises attempting to send

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messages from each of the queues in the hierarchy at successively decreasing sending attempt rates from the highest queue to the lowest queue.

30. (Previously Presented) The non-transitory computer-readable medium of Claim 24 further comprising computer-executable instructions for performing the step of discarding messages from the lowest queue in the hierarchy after being stored therein for the storage interval thereof.